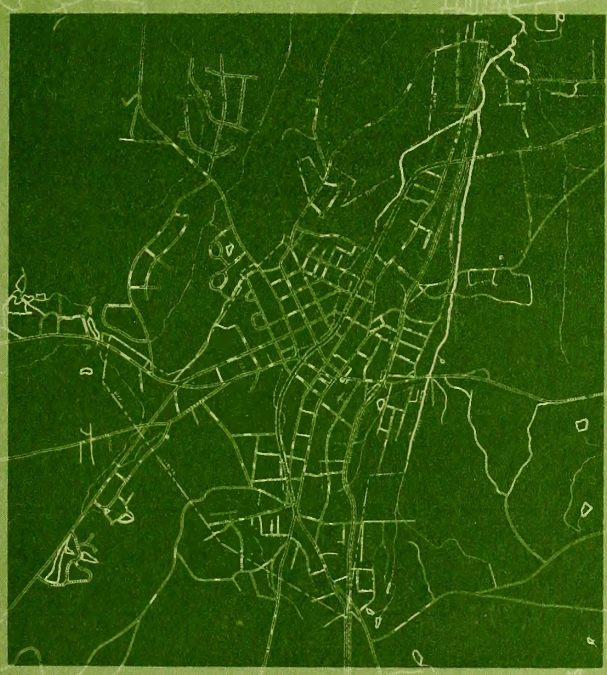


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ZONING ORDINANCE



ROXBORO, NORTH CAROLINA

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ADOPTED BY ROXBORO CITY COUNCIL
AUGUST 13, 1964

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ZONING ORDINANCE FOR THE CITY OF ROXBORO,
PERSON COUNTY, NORTH CAROLINA

PREAMBLE

AUTHORITY

The provisions of this ordinance are adopted under the authority granted by the General Assembly of the State of North Carolina, in particular Chapter 160, Article 14 of the General Statutes.

PURPOSE

The regulations and districts set forth in this ordinance are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentrations of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. The regulations contained herein have been formulated with reasonable consideration, among other things, as to the character of the various uses within the districts and their suitability for that district, and with a view to conserving the value of buildings and encouraging the most appropriate usage of the land within the City of Roxboro.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ROXBORO, STATE OF NORTH CAROLINA, AS FOLLOWS:

SECTION 1. Jurisdiction

The regulations and provisions found in this zoning ordinance shall apply to all the properties within the corporate limits of the City of Roxboro, North Carolina.

SECTION 2. Official Zoning Map

The boundaries of the various zoning districts are indicated on the Official Zoning Map for the City of Roxboro, North Carolina. The Zoning Map shall be signed by the Mayor and the City Clerk, and kept on file at the office of the Ordinance Administrator. The Official Zoning Map is hereby made a part of this ordinance. Any changes to the Official Zoning Map shall be initialed by the City Clerk.

SECTION 3. Intent of Zoning Districts

Each district is established as an exclusive zoning district and only those uses which are listed as permitted or conditional uses are allowed. If a particular use of land is not mentioned in a certain district, that use shall be prohibited for that district unless added by amendment.

SECTION 4. Zoning Districts

For the purposes of this ordinance, the City of Roxboro is hereby divided into the following zoning districts:

- | | |
|---------------------------------------------------|-----|
| A. Residential-Agricultural District--Low Density | R-1 |
| B. Residential District--Medium Density | R-2 |
| C. Highway Business District | B-1 |
| D. Neighborhood Business District | B-2 |
| E. Downtown Business District | B-3 |
| F. Shopping Center District | B-4 |
| G. Light Industrial District | I-1 |
| H. Heavy Industrial District | I-2 |

SECTION 5. District Provisions

1) Residential-Agricultural District-Low Density - R-1

(a) Permitted Uses:

1. Accessory buildings and uses that are customary and incidental to the following uses.
2. Agricultural uses
3. Customary home occupations such as dress-making, hairdressing, and professional office may be established in a dwelling provided that only residents of that dwelling are engaged in such an occupation; that no more than 50 percent of the area of one floor of the dwelling shall be used for the occupation; that no exterior storage space be utilized; that there be no display of products visible from the street; and that the home occupation shall remain incidental to the residential use of the dwelling.
4. Single-family dwelling units, exclusive of mobile homes.

(b) Conditional Uses:

The following uses may be permitted upon the approval of the Roxboro Board of Adjustment in accordance with this ordinance. It shall be the duty of the Board of Adjustment to hold a public hearing in regard to any proposed conditional use in order to review the plans for the location of all buildings, structures, and open uses of land. The Board of Adjustment shall evaluate the effect of the proposed conditional use on the surrounding property and on the existing road system. Prior to granting approval for the establishment of such conditional uses, the Board of Adjustment shall impose such limitations on the location, arrangement and operation of such uses as they deem advisable to achieve the objectives set forth in the purpose statement of this ordinance. The following are permitted on a conditional basis within the Residential-Agricultural District.

1. Buildings for civic and fraternal organizations and clubs except for those whose chief activity is a service customarily carried on as a business.
 2. Churches, public and private schools, country clubs, golf courses (exclusive of miniature and Par-three courses), clinics, swimming clubs, hospitals, and orphanages, provided that all buildings and swimming pools be set back a minimum of fifty feet from all exterior property lines.
 3. Community or municipal sewage and water treatment plants.
 4. Day nurseries and kindergardens.
 5. Fire stations.
 6. Mobile homes provided that sites conform to the City of Roxboro Trailer Ordinance.
 7. Public utility towers, substations, pumping stations and storage tanks provided that each facility is set back a minimum of fifty feet from all exterior property lines.
 8. Trash and garbage disposal facilities provided there is no openburning, vermin or other nuisances.
 9. Two-family, multiple-family, rooming and boarding houses, and garage apartment dwellings provided they conform to the provisions of the R-2 dimensional requirements.
- (c) Dimensional Requirements. All lots not served by municipal sewer shall be a minimum of 20,000 square feet. All lots not served by water shall be a minimum of 12,000 square feet. All lots not served by municipal sewer and water facilities shall be a minimum of 20,000 square feet in size. All lots served by municipal sewer and water shall conform to the following dimensional requirements.
1. Minimum lot size - 12,000

2. Minimum lot width - 80 feet measured at the building line.
3. Minimum front yard and corner lot setback- 30 feet.
4. Minimum side yard - 15 feet on each side of the building.
5. Minimum rear yard - 30 feet.
6. Maximum building height - 35 feet.

Required yard areas shall not be used as the locations of any principal or accessory buildings.

Off-street parking and loading facilities shall be provided as is indicated in Section 8.

2) Residential District - Medium Density - R-2

(a) Permitted Uses:

1. Accessory buildings and uses that are customary and incidental to the following uses.
2. Agricultural uses.
3. Boarding and rooming houses provided they conform to the dimensional requirements concerning multiple family dwellings set forth below.
4. Customary home occupations as provided for in the Residential-Agricultural District.
5. Dwellings - single-family, two-family, and multiple family, excluding mobile homes.

(b) Conditional Uses:

The following uses may be permitted upon the approval of the Roxboro Board of Adjustment in accordance with this ordinance. It shall be the duty of the Board of Adjustment to hold a public hearing in regard to any proposed conditional use in order to review the plans for the location of all buildings, structures, and open uses of land. The Board

of Adjustment shall evaluate the effect of the proposed conditional use on the surrounding property and on the existing road system. Prior to granting approval for the establishment of such conditional uses, the Board of Adjustment shall impose such limitations on the location, arrangement and operation of such uses as they deem advisable to achieve the objectives set forth in the purpose statement of this ordinance.

1. Accessory Signs - There shall be no more than two accessory signs for each establishment in this district. Such signs shall be no larger than 6 square feet each and shall advertise only a home occupation and real estate transactions. Accessory signs may be illuminated provided such illumination is from a lamp of the enclosed design type, and be non-flashing.
2. Clinics and hospitals provided they are set back at least 50 feet from all exterior property lines.
3. Golf courses, private clubs, churches, and meeting halls. This provision does not include Par-three courses or Minature courses.
4. Mobile homes provided they conform to the trailer ordinance of the City of Roxboro.
5. Nursing and rest homes provided they are set back at least 50 feet from all exterior property lines.
6. Public utility towers, substations, pumping stations, storage tanks, and similar facilities provided they are set back a minimum of 50 feet from all exterior property lines.
7. Schools - Elementary and secondary, public and private.
8. Tourist homes.

(c) Dimensional Requirements:

All lots not served by municipal sewer shall be a minimum of 20,000 square feet. All

lots not served by municipal sewer and water facilities shall be a minimum of 20,000 square feet in size. All lots served by municipal sewer and water facilities shall conform to the following dimensional requirements. The following dimensional requirements shall apply to all single family dwelling units within this district:

1. Minimum lot size - 6,000 square feet.
2. Minimum lot width - 50 feet.
3. Minimum front yard and corner lot setback- 30 feet. In blocks which are built-up more than 75%, the front yard setback and corner lot setback shall conform to the existing setbacks found in the block. In blocks which are less than 75% built-up, the minimum requirements of this ordinance shall apply.
4. Minimum side yard - 10 feet on each side of the building.
5. Minimum rear yard - 15 feet.
6. Maximum building height - 35 feet.

The following dimensional requirements shall apply to all two-family dwelling units within this district:

1. Minimum lot size - 9,000 square feet.
2. Minimum lot width - 75 feet.
3. Minimum front yard and corner lot setback- 30 feet. In blocks which are built-up more than 75%, the front yard setback and corner lot setback shall conform to the existing setbacks found in the block. In blocks which are less than 75% built-up, the minimum requirements of this ordinance shall apply.
4. Minimum side yard - 15 feet.
5. Minimum rear yard - 20 feet.
6. Maximum building height - 35 feet.

The following dimensional requirements shall apply to all multiple-family dwelling units within this district:

1. Minimum lot size - 4,000 square feet for each dwelling unit.
2. Minimum front yard and corner lot setback- 30 feet. In blocks which are built-up more than 75%, the front yard setback and corner lot setback shall conform to the existing setbacks found in the block. In blocks which are less than 75% built-up, the minimum requirements of this ordinance shall apply.
3. Minimum side yard - 15 feet for the first story, and an additional 10' side yard for each additional story.
4. Minimum rear yard - 25% of the average depth of the lot or a minimum of 30'.
5. Maximum building height - 50 feet.

3) Highway Business District - B-1

(a) Permitted Uses:

1. Animal hospitals.
2. Automobile parking lots; sales lots; and auto washing establishments.
3. Bowling alleys.
4. Building supplies sales establishments.
5. Farm equipment sales and service.
6. Food and beverage stores, retail only.
7. Dairy bars.
8. Golf driving ranges and miniature golf courses.
9. Ice pick-up stations.
10. Laundry and dry cleaning plants and pick-up stations.
11. Motels and motor hotels.

12. Parks and picnic areas.
13. Public utility towers, substations, pumping stations, and similar facilities provided they are set back a minimum of 100 feet from all exterior property lines.
14. Printing establishments.
15. Repair shops.
16. Restaurants, including drive-in type facilities.
17. Service stations.
18. Skating rinks.
19. Theaters of a drive-in nature only, provided that no part of the theater screen, projection booth, or other building shall be located closer than 300 feet to any residential district, or closer than 50 feet to any exterior property line or public right-of-way. The theater screen shall not face any major streets or highways.
20. Customary accessory uses and structures when located on the same lot as the main structure, but not to include any type of open air storage.
21. Warehouses.

(b) Dimensional Requirements:

1. Minimum lot size - 5,000 square feet.
2. Minimum lot width - 50 feet.
3. Minimum front yard and corner lot setback- 40 feet.
4. Minimum side yard - 15 feet.
5. Minimum rear yard - 20 feet.
6. Maximum building height - 35 feet.

The required yard areas shall not be used as the locations of any principal or accessory buildings.

Off-street parking and off-street loading facilities shall be provided in accordance with Section 8. Signs shall be permitted as found in Section 9.

4) Neighborhood Shopping District - B-2

(a) Permitted Uses:

1. Barber shops.
2. Beauty shops.
3. Drug stores.
4. Grocery stores.
5. Hardware stores.
6. Signs - Signs shall be regulated as found in Section 9.

(b) Dimensional Requirements:

1. Minimum lot size - 6,000 square feet.
2. Minimum lot width - 50 feet.
3. Minimum front yard and corner lot setback- 25 feet.
4. Minimum side yard - 10 feet.
5. Minimum rear yard - 20 feet.
6. Maximum building height - 35 feet.

Off-street parking and off-street loading facilities shall be provided in accordance with Section 8.

5) Downtown Business District - B-3

(a) Permitted Uses:

1. Banks.
2. Barber shops.
3. Beauty shops.
4. Billiard parlors.
5. Bus stations.

6. Eating and drinking establishments excluding drive-in facilities.
 7. Hardware stores.
 8. Hotels.
 9. Laundry and dry cleaning pick-up station and plant.
 10. Laundromats.
 11. Libraries.
 12. Offices - business, professional, and governmental.
 13. Parking lots.
 14. Police station, jail, and fire stations.
 15. Printing establishments.
 16. Repair shops for jewelry, shoes, and household appliances.
 17. Signs, Accessory only - Regulations shall apply as found in Section 9.
 18. Stores retailing antiques, auto accessories, appliances, clothing, drugs, dry goods, flowers, foods and beverages, furniture, gifts, hardware, hobby and craft supplies, jewelry, leather goods, notions, office equipment and supplies, paint and wallpaper, pets, seeds and feeds.
 19. Taxi stands.
 20. Theaters, indoor only.
 21. Train stations.
 22. Uses customarily accessory to permitted uses, but not to include open-air storage.
- (b) Conditional Uses:

The following list of uses shall be permitted upon the approval of the Roxboro Board of Adjustment. The Board shall give consideration to the findings as indicated in Section 5, 1-b.

1. Automotive sales, new and used, and service provided that such service areas be enclosed by a fence at least 6' in height. This provision does not apply to wrecking yards.
2. Bowling alleys.
3. Building supplies and equipment sales, provided that all storage yards be enclosed by a fence at least 6' in height.
4. Farm equipment sales and service, provided that such service areas be enclosed by a fence at least 6' in height.
5. Independent signs as provided for in Section 9.
6. Service stations provided they have a minimum area of 7,000 square feet and 100 feet of frontage. All service station's equipment must be located at least 25 feet from all exterior property lines.
7. Warehouses.

(c) Dimensional Requirements:

1. Front yard - there are no front yard requirements in the Downtown Business District other than any new building that is constructed shall be set back the same distance from the street as are the buildings on the adjoining lots. Where there are no adjoining buildings such a new building shall be set back at least 10 feet from the street right-of-way.
2. Side yard - there is no side yard requirement within the Downtown Business District; however, when side yards are provided they shall be at least 4 feet wide. When a new building is constructed on a lot abutting a residential district, the business use shall have a minimum side yard of 25 feet.
3. Off-street parking and off-street loading - refer to Section 8.

6) Shopping Center District - B-4

(a) Permitted Uses:

1. Banks.
2. Barber and beauty shops.
3. Laundry and dry cleaning pick-up stations.
4. Offices - business, financial, and professional.
5. Parking lots.
6. Repair shops for jewelry, shoes and household appliances.
7. Signs - provided there are not more than two general advertising signs for the shopping center and two accessory signs not enclosed by a building for each establishment in the center.
8. Stores retailing drugs, flowers, foods and beverages, hardware, hobby and craft supplies, paint and wallpaper, and reading materials.
9. Taxi stands.
10. Uses customarily accessory to permitted uses; however, open air storage shall not be permitted.
11. Washerettes.

(b) Application Procedure for the Establishment of a Shopping Center District:

1. Preliminary Site Plan:

The applicant shall submit a Preliminary Site Plan for the proposed shopping center to the Ordinance Administrator which shall show the following information:

- a. Property boundaries and dimensions, adjacent streets, adjacent lots with the existing land use of each;
- b. The location, use, and floor area of all buildings;
- c. The location of all off-street parking areas;

d. The location of all service and access drives and their connections to public streets and highways.

2. Required Public Hearing:

The Roxboro Planning Board and the Roxboro City Council shall hold a joint public hearing at which the proposed shopping center shall be discussed by the developer or his agent.

3. Conditions of Approval:

If, after the public hearing and upon receiving the recommendations of the Planning Board, the City Council decides to amend the zoning map to permit the proposed shopping center, such amendment shall be subject to the following conditions:

a. No zoning permit shall be issued until the Final Site Plan for the shopping center has been reviewed and approved by the Roxboro Planning Board. The Final Site Plan shall be prepared at a scale of not less than 1 inch equals 100 feet.

The Final Site Plan shall show:

- (1) Property boundaries and dimensions; adjacent streets, adjacent lots with the existing land use of each;
- (2) The location and dimensions of all buildings; off-street parking areas; off-street loading areas; pedestrian ways; access drives and their connections with public streets; and signs which are to be erected independently of building facades.

b. All other requirements of this ordinance shall be met.

c. The developer shall file a Certificate of Intent with the Ordinance Administrator which certifies that the development of the shopping center shall be at least one-fourth completed within one year of the date his zoning permit is issued unless extenuating circumstances prevent such progress.

d. All subsequent changes or additions to the physical plan of the center shall be reviewed and approved by the Planning Board before zoning permits are issued.

4. Failure of Developer to Satisfy Conditions:
If the shopping center developer or owner fails to satisfy the conditions set forth herein, all outstanding permits shall be revoked and the zoning classification of the site shall revert to that of the original zoning district from which it was changed.

(c) Dimensional Requirements:

1. Minimum site size - 2 acres.
2. Maximum building height - 35 feet.
3. No building or other uses of the land shall be located closer than 35 feet to any exterior property lines, and this space may be used for access drives.
4. Off-street parking space shall be provided at a ratio of 4 square feet of parking area for one square foot of gross floor space. Access drives are included.
5. Buffer strips of at least 50 feet in width shall be provided by the shopping center along all exterior property lines which abut a residential district.
6. Driveway connections between the shopping center and adjoining public streets shall not be more than 30 feet wide and shall not be located within 300 feet of major street intersections, and 100 feet of each other.
7. Signs - Sign regulations shall apply as found in Section 9.

7) Light Industrial District - I-1

(a) Permitted Uses:

The principal use of the land within the Light Industrial District is that of industrial activity which is operated in a relatively clean, quiet, and unobnoxious manner.

1. Accessory signs as provided for in Section 9.
2. Bottling plants.

3. Building materials sales and storage yards.
4. Cabinet and woodworking establishments.
5. Clothing manufacture.
6. Cold storage plants.
7. Contractors office and equipment storage.
8. Dairy products processing.
9. Dry cleaning plants.
10. Electronic equipment manufacture.
11. Farm machinery sales and service.
12. Food processing plants, except slaughtering of animals.
13. Furniture manufacture.
14. Greenhouses and nurseries.
15. Grounds and facilities for outdoor games and sporting events.
16. Ice plants.
17. Industrial education and research facilities.
18. Laboratories for research and testing.
19. Machine shops.
20. Metal working shops.
21. Mobile home sales and service.
22. Off-street parking facilities.
23. Office uses as an accessory use to an industrial type activity, and being located on the same lot.
24. Petroleum bulk storage, providing such facilities are set back a minimum of 100 feet from all exterior property lines.

25. Plastic manufacture.
26. Printing establishments.
27. Public utility towers, substations, pumping stations, water storage tanks and similar facilities provided they are set back at least 50 feet from all exterior property lines.
28. Repair establishments.
29. Service stations.
30. Signs - Independent - as provided for in Section 9.
31. Truck terminals.
32. Warehouses.

(b) Dimensional Requirements:

1. Minimum lot width - 100 feet.
2. Minimum front yard - 50 feet.
3. Minimum side yard - 15 feet.
4. Minimum rear yard - 30 feet.
5. Maximum building height - 50 feet.
6. Off-street parking and off-street loading facilities shall be provided in accordance with Section 8.
7. Where an industrial district abuts a residential district, all industrial uses which abut the residential district shall be set back a minimum of 50 feet from the abutting exterior property line.

8) Heavy Industrial District - I-2

(a) Permitted Uses:

The principal use of the land within the Heavy Industrial District is that of industrial activity which, by its nature, may tend to create some nuisance or relatively obnoxious effect in the area where they are located.

1. All industrial uses as permitted and regulated in the Light Industrial District.
2. Airports.
3. Coal yards.
4. Feed and seed milling and storage.
5. Fertilizer sales.
6. Foundaries producing steel products.
7. Machine tool manufacture.
8. Metal fabrication.
9. Mixing plants for concrete, or other types of paving materials and the manufacture of concrete products.
10. Paper, pulp, cardboard and building board manufacture.
11. Railroad freight yards.
12. Textile manufacture.
13. Tobacco products manufacture.

(b) Conditional Uses:

Automotive wrecking yards and similar types of used materials industries provided they are conducted within a solid fence at least 6 feet in height, provided such fence shall not be less than 50 feet from any street right-of-way line and provided further that the Board of Adjustment finds that such a wrecking yard or industry will not have an injurious effect on the public interest or welfare.

(c) Dimensional Requirements:

1. Minimum lot width - 100 feet.
2. Minimum front yard - 30 feet.
3. Minimum side yard - 15 feet.
4. Minimum rear yard - 20 feet.

Off-street parking and off-street loading facilities - refer to Section 8.

Where an industrial district abuts a residential district, all industrial uses shall be set back a minimum of 50 feet from any exterior property line which abuts said residential district.

SECTION 6. Exceptions and Modifications

1) Existing lots of insufficient size - If a lot, which was recorded prior to the adoption of this ordinance, does not meet the lot area or width requirements in a district where single-family residences are permitted, such a lot may be used as the location of a single-family dwelling with related accessory buildings providing such lot is in separate ownership and is not of continuous frontage with another lot or lots of the same ownership. There shall be no alteration of the minimum yard requirements on such lots except where the Roxboro Board of Adjustment finds, after a public hearing that the values of the neighboring properties would not be unduly depreciated nor would the public safety or welfare be unduly affected by such action.

2) Curb Cuts - As provided for in the Driveway Ordinance of the City of Roxboro.

3) Corner Visability - In all zoning districts other than B-3, Downtown Business District, there shall be no structure, fence, or other obstruction to visability on any corner lot within 15 feet of the intersection of any two right-of-way lines.

4) Height Limitation Exceptions - The following uses are not controlled by height limitations of this ordinance: belfries, spires, cupolas, domes, monuments, observation towers, chimneys, smokestacks, water towers, conveyors, flag poles, television and radio masts, aerials, towers, and similar structures.

5) Group Housing Projects - A group housing project, which consists of a group of two or more buildings situated on a parcel of land that has a minimum area of two acres, and which is not subdivided into the customary streets and lots, shall be exempt from the lot and yard dimensional requirements of this ordinance providing the plan for the project is approved by the Roxboro Planning Board and the City Council on finding that the intensity of development shall be no greater and the preservation of open space no less than would be the case in other residential development in the same district.

SECTION 7. Street Access

No building shall be erected on a lot which does not abut a public street.

SECTION 8. Off-Street Parking and Off-Street Loading Requirements

1) All uses and establishments commenced hereafter shall provide the minimum number of off-street parking spaces required in this Section. Minimum dimensions for each parking space shall be 9' x 20'. There shall be adequate access to each parking space from a public street.

2) The required amount of parking may be provided on the same lot as is the principal building, or on a lot within 500' of the principal building, and such a lot may be owned or leased on a long term basis from the property owner by the occupants of the principal use.

3) All establishments shall provide off-street parking for their employees equivalent to the maximum number of persons on the largest shift. Establishments shall also provide additional parking spaces according to the following schedule:

1. Auditorium - 1 space for every four seats.

2. Ball Park - 1 space for every eight spectator seats.
3. Churches - 1 space for every four seats in the main auditorium of the church.
4. Clubs - 1 space for every two active members.
5. Dental offices - 3 spaces for each dentist.
6. Drive-in Restaurants - 1 space for every 40 square feet of floor space.
7. Funeral Homes - 1 space for every four seats in the largest assembly room.
8. Hospital - 1 space for every two beds.
9. Hotel - 1 space for each rented room.
10. Library - 1 space for every 400 square feet of floor space.
11. Medical Office - 3 spaces for each doctor.
12. Motel - 1 space for each rented room.
13. Nursing Home - 1 space for every five beds.
14. Offices, general - 1 space for every 200 square feet of floor space.
15. Residence - 1 space for each dwelling unit.
16. Retail uses not otherwise listed - 1 space for every 100 square feet of floor space.
17. Rooming and/or Boarding Houses - 1 space for every two rental rooms.
18. Sales and Service Establishments not otherwise listed - 1 space for every 200 square feet of floor space devoted to customer sales and service.
19. Schools, secondary - 1 space for every 20 students.

20. Schools, elementary - 1 space for each faculty member.

21. Tourist Homes - 1 space for each rental room.

4) All establishments commended hereafter which require or dispense goods shall provide the minimum number of off-street loading spaces required in this ordinance. Minimum dimensional requirements for such a space shall be 15 feet by 30 feet, and there shall be adequate access to such loading space from a public street.

5) The following schedule shall apply to all uses within the various districts which are required to provide off-street loading facilities:

One (1) off-street loading space for each 10,000 square feet of floor space or portion thereof.

One (1) additional loading space for each additional 10,000 square feet of floor space, or portion thereof.

The above loading requirements shall not apply to residential uses of the land.

SECTION 9. Advertising Sign Regulations

1) Within the zoning districts where advertising signs are permitted, the following amount of advertising sign space shall be allocated to each property owner. In the event a parcel of land is rented by more than one tenant, the property owner shall allocate his allotted sign space as he sees fit.

(a) In the Highway Business District, B-1, three (3) square feet of sign area will be allowed for every front foot of property which an individual (or individuals) owns. Within the Highway Business District no advertising sign shall be located closer than 300 feet to any residential use of that land, and/or district, and independent billboards shall be a minimum of 200 feet apart. Sign size shall be a maximum of 550 square feet.

- (b) In the Neighborhood Shopping District, B-2, two (2) square feet of sign area will be allowed for every front foot of property which an individual (or individuals) owns. Within the Neighborhood Business District accessory signs shall only be permitted.
- (c) In the Downtown Business District, B-3, four (4) square feet of sign area will be allowed for every front foot of property which an individual (or individuals) owns. The Downtown Business District shall have a minimum of 300 feet between independent billboards with no one independent sign being any larger than 550 square feet. In no instance shall signs project further than eight (8) feet from the main building, such signs being at least ten (10) feet above the finished grade of the sidewalk.
- (d) In the Shopping Center District, B-4, four (4) square feet of sign area will be allowed for every front foot of property which an individual (or individuals) owns. Within the Shopping Center District the identification sign for the center shall be measured in the equivalent of one (1) square foot of sign area for each front foot of building and shall be no larger than 300 square feet.
- (e) Within industrial districts sign space shall be allocated on the basis of three (3) square feet of sign area to each front foot of frontage which an individual (or individuals) owns. Independent signs shall have a maximum size of 550 square feet and be at least of 300 feet apart. All signs may not exceed 550 square feet in size.

2) In the event of double-fronted buildings, only one-half of the total front footage shall be counted as the equivalent for the allotted sign area. This provision of the sign regulations shall apply to all zoning districts in which signs are permitted.

3) Whenever a sign or advertising structure becomes structurally unsafe or endangers the safety of the public health and welfare, the Ordinance Administrator shall order

said sign to be made safe or removed. Such an order shall be complied with within five days of receipt of notice.

4) When an independent sign is located on a parcel of ground, said sign shall conform to all of the dimensional requirements listed for the district in which it is located.

5) Within any of the zoning districts where signs are permitted no sign shall be larger than 550 square feet. This provision applies to all advertising signs be they painted walls, accessory signs suspended from above the sidewalk, or independent signs be they free-standing or attached to the wall of a structure.

SECTION 10. A. Continuing the Use of a Nonconforming Building

After the effective date of this ordinance, structures or uses of land or structures which would be prohibited under the provisions for the district in which they are located shall be considered as a nonconforming use.

Any nonconforming structure or use of structure existing at the time of the enactment of this ordinance may be continued subject to the following provisions. They shall not be:

1. changed to another nonconforming use;
2. enlarged or extended except to be brought into conformity with this ordinance;
3. re-established after discontinuance for six months;
4. rebuilt, altered, or repaired after damage exceeding 60 percent of its fair market value as determined immediately before such damage.

B. Continuing the Use of Nonconforming Land

Any use of land existing at the time of the enactment of this ordinance which does not conform to the

provisions of this ordinance may continue subject to the following provisions. They shall not be:

1. changed to another nonconforming use;
2. enlarged or extended except to be brought into conformity with this ordinance;
3. the following nonconforming uses of the land shall be brought into conformity with this ordinance within two years of the date of its passage;
 - (a) Independent billboard advertising signs.
 - (b) Junk Yards - in reference to fencing.
 - (c) Open-air storage.
 - (d) Used car, truck, and other equipment lots, in reference to fencing.

SECTION 11. Administration and Enforcement

1) Ordinance Administrator - The position of Ordinance Administrator is hereby authorized for the purpose of enforcement of this Zoning Ordinance. The Ordinance Administrator shall be appointed by the Roxboro City Council and such appointment shall become effective upon the adoption of this ordinance. The length of term and compensation shall be determined by the City Council.

2) Zoning Permit Required - Following the adoption of this ordinance it shall be unlawful for any person to erect, extend, move, or alter any structure, or to begin, extend, move, or enlarge any use of the land within the city limits, unless a Zoning Permit has been issued to such a person for the specific purposes found in this ordinance. Such a permit shall be made of a cardboard substance, 6" x 8" in size, and shall be displayed in a conspicuous place on the particular parcel of land which is being effected by the permit. A written record of the issuance of such a permit shall be kept on file in the office of the Ordinance Administrator. The permit shall contain the following information:

- (a) The name and address of the person who has applied for the permit.
- (b) The street address of the property effected by the permit.
- (c) The use proposed by the applicant for the permit.
- (d) The date, seal, and signature of the Ordinance Administrator.

3) No Zoning Permit shall be issued by the Ordinance Administrator unless the provisions of this ordinance have been adhered to, or unless the Board of Adjustment rules otherwise in writing.

SECTION 12. Zoning Permit Application and Issuance

1) Application for a Zoning Permit shall be made to the Ordinance Administrator by any person who is considering an action listed in Section 11 (2) within the jurisdiction of this zoning ordinance.

2) The application shall consist of two copies of a plan of the site showing:

- (a) the actual shape and dimensions of the lot or parcel which is to be developed drawn to an appropriate scale.
- (b) the exact sizes of all existing and proposed buildings on the site and within a distance of 50 feet on all sides of the site.
- (c) the location of the parcel with reference to existing rights-of-way.
- (d) the areas which are to be set aside for off-street parking and off-street loading as required by this ordinance.
- (e) any other information which the Ordinance Administrator may deem necessary for his consideration in enforcing this ordinance.

3) After the Ordinance Administrator has checked the application against the provisions of this ordinance and found it to be in conformity, he shall issue a Zoning Permit to the applicant.

4) Upon issuance of the Zoning Permit, the applicant shall receive one copy of the site plan, the other being retained by the Ordinance Administrator.

5) At this time the applicant shall pay a fee of \$2.00 to the City of Roxboro to cover administrative costs.

6) If the application for a Zoning Permit is denied by the Ordinance Administrator, the applicant may appeal the action to the Roxboro Board of Adjustment.

SECTION 13. Certificate of Compliance

Upon the completion of a structure for which a Zoning Permit has been issued, the Ordinance Administrator shall go into the field and check to see that the use has been constructed in conformity with the provisions of this ordinance.

The certificate of Compliance shall indicate that the developer has met the requirements set forth in this ordinance in reference to the property and action described on the Zoning Permit.

SECTION 14. Violation and Penalty

Any person who violates any of the provisions of this ordinance, or who falsifies plans or statements filed thereunder, or who continues work on any building or structures after having received written notice to cease work from the Ordinance Administrator, shall be guilty of a misdemeanor.

SECTION 15. Board of Adjustment

1) The existing Board of Adjustment is hereby retained.

2) The Board of Adjustment shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Ordinance Administrator in the enforcement of this ordinance.

(b) To hear and decide application for Conditional Uses, as specified in Section 5, Subsection 1, b.

(c) To hear and decide appeals for variance of the requirements of this ordinance when it is alleged that the requirements would cause practical difficulties or unnecessary hardship.

3) Necessary Findings of the Board

(a) When granting a variance from the requirements of the ordinance, the Board of Adjustment shall find:

1. Granting the appeal will not allow the establishment of a use not otherwise permitted in a district by this ordinance.
2. The practical difficulty or unnecessary hardship complained of is due to the peculiar characteristics of the property in question and is not applicable to other property in the vicinity.
3. The practical difficulty or unnecessary hardship is not the result of the actions of the appellant.

(b) When granting an application for Conditional Uses, the Board of Adjustment shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public nuisance.

3. That the location, design, and character of the use, if developed according to the plan as submitted and approved will be compatible with the existing development in the area in which it is to be located.
4. That if the proposed use may be expected to materially increase the traffic volumes on adjacent streets, the location and dimensions of driveways, turning lanes and off-street parking areas shall be such as to facilitate the flow of traffic and to protect minor residential streets from substantial through or truck traffic.
5. That fencing, screening, or a sufficient planting strip shall be shown on the plan that will minimize the effect created by the establishment of adjacent uses that are incompatible, such as utility substations adjacent to schools and churches, or off-street parking lots adjacent to residential uses.

4) Board May Attach Conditions

When granting a variance or a conditional use, the Board of Adjustment may attach thereto such conditions regarding the location and other features of the proposed building, structure, or use as they may deem advisable to protect established property values and to achieve the other purposes set forth in the statement of purpose.

5) Procedures to be Followed by the Board

All meetings of the Board of Adjustment shall be open to the public, and a public record of all findings and decisions shall be maintained. The concurring vote of four members of the Board shall be required to reverse any decision of the Ordinance Administrator, or to grant a variance.

The Board shall give notice of the time, place, and subject to each hearing to the appellant and to the owners of adjoining properties and property directly across the street from the property involved in the appeal or application.

6) Appeal From Decisions of the Board

Appeal from decisions of the Board of Adjustment shall be to the Person County Superior Court.

SECTION 16. Amendments

The regulations, requirements, and boundaries provided for in this ordinance may from time to time be amended or repealed through the following procedure:

1) A proposal to amend or repeal this ordinance or any part thereof may be submitted by any corporation or person who resides or owns property within the area zoned by this ordinance, or by any city official, board or commission. The proposal shall contain a description of the area involved, a statement of the present and proposed zoning regulations to be applied to the area. Proposals shall be submitted to the Ordinance Administrator.

2) The Ordinance Administrator shall transmit the proposal to the City Council, who shall fix the date and time for a public hearing on the proposal and shall advertise the hearing in accordance with North Carolina General Statute 160-175.

3) In the consideration of such proposal, the City Council and Planning Board shall sit jointly at the public hearing, after which hearing the City Council shall refer the proposal to the Planning Board for its recommendation.

4) The Planning Board shall make its recommendation to the City Council on the proposal. A failure of the Planning Board to make recommendations for a period of 30 days after the amendment has been referred to it shall constitute a favorable recommendation.

5) The City Council shall then take such action on the proposed amendment as they deem advisable.

SECTION 17. Legal Provisions

1) Effect of Other Ordinances

Requirements set forth by this ordinance are minimum requirements. If they differ from the requirements of any other legal adopted rule, regulation, or ordinance of the City of Roxboro, then the more restrictive requirements shall apply. All provisions of the Zoning Ordinance of the City of Roxboro passed prior to the adoption of this ordinance which are not reenacted herein are hereby repealed.

2) Effect of Private Deed Restrictions

It is not intended by this ordinance to interfere with or annul any easements, covenants or other agreements between parties except in cases where such agreements require a use or location prohibited by this ordinance. Where this ordinance imposes a greater restriction a building, use, or lot, the provisions of this ordinance shall govern.

3) Effect of Invalidity of One Section of This Ordinance

Should any section or provision of this ordinance be decided by the courts to be invalid, such decision shall not affect the validity of the rest of the ordinance.

4) Effect Upon Existing Conditional Uses

After the effective date of this ordinance, those uses which existed prior to that effective date and would only be permitted as Conditional Uses in this district in which they are located shall be considered to be legally established Conditional Uses. Any expansion, addition, or other change for which a zoning permit is required shall be heard, considered, and approved or disapproved by the Board of Adjustment in the same manner as original applications for Conditional Use approval.

SECTION 18. Effective Date

This ordinance shall be in force and effect from the date of its adoption by the Roxboro City Council.

SECTION 19. Definitions

1) Accessory use or building - a subordinate use or building, the use of which is customarily incidental to that of a principal use or building on the same lot.

2) Building height - the vertical distance measured from the average, proposed finished grade around a building to the highest point of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

3) Building, principal - the building in which the principal use conducted on a lot is situated.

4) Clinic - an institution connected with a hospital used for the treatment of outpatients.

5) Dwellings - a building or portion of a building designated or used for housekeeping purposes.

6) Dwelling, single-family - a detached building used as a residence for one family.

7) Dwelling, two-family - a building used as a residence by two families, each housekeeping separately.

8) Dwelling, multiple-family - a building uses as a residence for three or more families, each housekeeping separately.

9) Family - one or more persons living as an independent housekeeping unit not including individual occupants of rooming houses, boarding houses, fraternities or sororities.

10) Home occupation - an occupation carried on in a dwelling unit or accessory building thereof by one or more occupants of the dwelling.

11) Lot - a parcel of land in single ownership which has been recorded as one or more lots on a subdivision plat or by a metes and bounds description and which meets the minimum requirements set forth in this ordinance.

12) Lot depth - the average horizontal distance between the front and rear property lines of a lot.

13) Lot width - the horizontal distance between the side property lines of a lot, measured at the rear of the required front yard.

14) Parking space, off-street - the storage area required for parking one automobile on a particular lot; minimum dimensions are 9' x 20', plus adequate access drives.

15) Sign (billboard) - an advertising or announcement device used to attract attention or to disseminate information. Sign restrictions in this ordinance shall not apply to the following: traffic control devices; legal notices; noncommercial use of flags and insignias; mailbox numbers and names; house numbers and names; and noncommercial names of premises or occupants thereof which have an area of one square foot or less.

16) Sign, accessory - an advertising device used to disseminate information concerning the particular use of the lot upon which it is located.

17) Sign, independent - an advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.

18) Sign - Surface Area - in determining the size of an advertising sign the surface area of said sign shall be measured. The surface area of the sign shall encompass the copy area which is actually utilized for advertising. Such an area shall be measured as the area of the smallest

rectangle, triangle, circle, or combination thereof which would completely enclose the copy area.

19) Structure - anything erected or constructed which has a relatively permanent ground location, or is attached to something which has a relatively permanent ground location. The term "structure" applies to mobile homes, trailers, buildings, fences, walls, and signs.

20) Yard - a required open space which shall not be occupied or obstructed by a structure, or any portion thereof, with the exception of fences.

21) Yard, front - a yard extending across the front of the lot which is bounded by the front property line, the two side property lines and a line extending along the front of the foremost structure permitted on the lot. Depth of the required front yard shall be measured along a perpendicular line extending to the front property line.

22) Yard, rear - a yard extending across the rear of a lot, bounded by the rear property line, the two side property lines, and a line extending along the rear of the hindmost structure on the lot. Depth of the required rear yard shall be measured along a line drawn perpendicular to the rear property line.

23) Yard, side - a yard extending across the side of a lot, bounded by the rear yard line, the side property line, the front yard line, and the side line of the structure nearest the side property line on the same side of the lot. Width of required side yards shall be measured along a line perpendicular to the side lot line on the side of the lot in question.

24) Other Word Meanings, tenses, and numbers - the word "shall" is mandatory; the word "may" is permissive. Words used in the present tense include the future; words used in the plural number include the singular.

RECOMMENDED CHECKLIST FOR ZONING AMENDMENTS

- 1) Is there a public need for additional land space to be zoned to the class requested?
- 2) Would the granting of the rezoning request conform to the presently accepted future land use plans for the city as well as present land use?
- 3) Would the granting of the rezoning request conform to presently accepted plans for future handling of traffic as well as present traffic considerations?
- 4) If there is a need for additional land space to be zoned as requested, should the rezoning be done in areas requested or would the public interest be better served if the rezoning were done in other areas of the city?
- 5) Could adequate parking space be provided if the rezoning request were granted?
- 6) Would the granting of the rezoning request adversely affect property values of adjacent land owners to an unreasonable degree?
- 7) Would the granting of the rezoning request impose other undue hardships on adjacent land owners such as noise, electric display signs, odors, or other nuisances?
- 8) If the rezoning request was granted would the necessary utility (transportation, rail, truck, air, water, sewer, electricity, gas or telephone) be available to serve the purpose intended?
- 9) Would the granting of the rezoning request raise any legal questions such as spot zoning, violation of precedents, or the rule of "reasonableness"?
- 10) Could the Planning Board suggest an alternate area for use that would eliminate the necessity of rezoning?

[illegible]

